

AG Contract No.: KR03-0646TRN
ADOT ECS File No.: JPA 03-029-Amendment ONE
Project No.: HRF-WIL-0-783
Section: Grand Canyon Blvd. - Edison Avenue
TRACS No.: HF083 01C
Budget Source Item No.: N/A
HURF Exchange Program

AMENDMENT NO. ONE (1)

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF WILLIAMS

THIS AGREEMENT is entered into 13th April, 2005, Amendment ONE to JPA 03-029, AG Contract No.: KR03-0646TRN, filed 26 May 2004, filed with the Secretary of State under No. 26851, pursuant to Arizona Revised Statutes, § 11-951 through § 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF WILLIAMS, ARIZONA, acting by and through its MAYOR and CITY COUNCIL (the "City")

I. RECITALS

1. The State is empowered by Arizona Revised Statutes, § 28-6993(g) to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State

2. The City is empowered by Arizona Revised Statutes, § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City

The purpose of this Amendment is to add additional funding in an amount of \$291,635.00 in Fiscal Year 2003 for the construction of drainage improvements, sidewalk, curb and gutter to Grand Canyon Blvd to Edison Avenue.

THEREFORE, Agreement JPA 03-029, is AMENDED by the parties and agreed to herein as follows:

Recital 3. is deleted and replaced as follows:

3. The State has approved the exchange of Highway User Revenue Funds (HURF) to the City for a total amount of \$591,635.00, which includes the additional funding of \$291,635.00 in Fiscal Year 2003 for the construction of drainage improvements, sidewalk, curb and gutter to Grand Canyon Blvd - Edison Avenue. Such funds will be repaid to the State by withholding from the Northern Arizona Council of Governments (NACOG) federal funds and the obligation authority for federal funds in the total amount of \$698,590.24 in Fiscal Year 2003, which includes \$324,039.00 in Fiscal Year 2003.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows

NO. 26851 #01
Filed with the Secretary of State
Date Filed: 04/13/2005
Janice K. Brewer
Secretary of State

By: Jimmy D. Graenewald

II. SCOPE OF WORK

Paragraph II.2.b is deleted and replaced as follows:

2. The State will:

b. Withhold from NACOG, federal funds and the obligation authority of federal funds, in a total amount of \$698,590.24, which includes \$324,039.00 in Fiscal Year 2003 for construction

III. MISCELLANEOUS PROVISIONS

Paragraph III.2 is deleted and replaced as follows:

2 This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

Paragraph III.8 is deleted and replaced as follows:

8. Pursuant to Arizona Revised Statutes, Section 11-952 (D), attached hereto and incorporated herein, is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this Agreement and that the Agreement is in proper form.

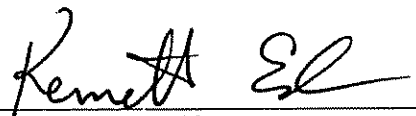
EXCEPT AS AMENDED herein, all other terms and conditions of the original Agreement remain in full force and effect.

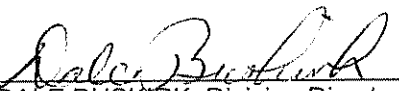
IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

CITY OF WILLIAMS

STATE OF ARIZONA

Department of Transportation

By 
KENNETH EDES
Mayor

By 
DALE BUSKIRK, Division Director
Transportation Planning Division

ATTEST

By 
ELEANOR ADDISON
City Clerk

WILLIAMS CITY COUNCIL TOWN HALL AND REGULAR MEETING
ANNOTATED MINUTES PAGE 11 DATE: APRIL 22, 2004
ITEM COUNCIL ACTION

G. Resolution #1155

Resolution No. 1155 authorizing and approving the Intergovernmental Agreement with the State of Arizona for Grand Canyon Blvd/Edison Avenue Project. G. Cornwell presented. This authorizes the State to fund this project for \$300,000. We are asking approval to tie this project to the following request, taking the money set aside for 2006 to complete the project as far as we can. This will be discussed at a meeting on May 5th. This would give \$625,000 for Edison Blvd. C. Price moved to approve Resolution #1155 IGA with ADOT and proceed to get the rest of the money from NACOG to complete the project. D. Barnes seconded. Motion carried.

H. Discussion and decision
regarding extension of Grand
Canyon Blvd. NACOG grant.
G. Cornwell

Discussed and decided with resolution

I. Discussion and decision
regarding water resource level
and related issues D. Wells

Presented by D. Wells. Discussed Dogtown III. The contractor placed a liner to 260 feet below casing, which was the goal. The liner is in the water zone 125 feet. Currently they are cleaning out what is there, circulating with air to get cuttings out and attempting to drill deeper with small bit below bottom of casing in case we encounter the 10" hole we previously dug. Then we make decision to perforate casing. There is some risk involved because of the material we encountered. Whole well is cased off. When airlifting, there was a lot of water coming from hole. We have about \$50,000 left. Goal is to get a well producing as much as possible while drill equipment is onsite. Governor will be here a week from Friday. D. Dent was asked to speak in lieu of the Mayor. Everyone invited.

VI. ABATEMENT HEARING

A. Abatement hearing for
Sandoval Texaco Notice of
abatement. D. Wells

Continuance request filed by both attorneys. B. Hiemenz made a motion to continue hearing. D. Dent seconded. Motion carried.

RESOLUTION # 1155

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILLIAMS AUTHORIZING AND APPROVING THE
INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE
OF ARIZONA AND THE CITY OF WILLIAMS

WHEREAS, the City of Williams desires to enter into an agreement with the State of Arizona, Department of Transportation for Highway User Revenue Funds (HURF); and

WHEREAS, the State has approved \$300,000.00 in HURF funds in Fiscal Year 2003 for the construction of drainage improvements, sidewalk, curb and gutter on Grand Canyon Blvd - Edison Avenue, and such funds will be repaid to the State by withholding from the Northern Arizona Council of Governments (NACOG) federal funds in the amount of \$354,233.37 in fiscal year 2003; and

WHEREAS, the City is empowered by Arizona Reviewed Statutes Section 48-572 to enter into this agreement.

NOW, THEREFORE, BE IT RESOLVED, THAT the Mayor is hereby authorized to enter into said agreement with State of Arizona Department of Transportation, and sign any and all documents necessary to secure this funding.

RESOLVED this 22 day of April, 2004

Ken SL
Mayor

ATTEST:

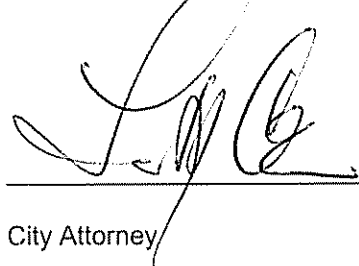
Deanna Radson
City Clerk

JPA 03 - 029 - AMENDMENT ONE

APPROVAL OF THE CITY OF WILLIAMS ATTORNEY

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF WILLIAMS, an agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 25TH day of February, 2005



City Attorney



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602.542.8855

INTERAGENCY SERVICE AGREEMENT
DETERMINATION

A.G. Contract No. KR03-0646TRN (**JPA 03-029, Amendment No. One**), an Agreement between public agencies, i.e., The State of Arizona and The City of Williams, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: April 6, 2005

TERRY GODDARD
Attorney General

A handwritten signature in cursive script, reading "Susan Davis", written over a horizontal line.

Susan E. Davis
Assistant Attorney General
Transportation Section

SED:mjf
Attachment
899169